

**MEMO ENDORSED**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOC #:
DATE FILED: 4-22-16

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RUDOLPH RICHARDSON,

15 CV 543 (LAK)(AJP)

Plaintiff,

-against-

**NOTICE OF MOTION**

THE CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF CORRECTIONS, CORIZON  
HEALTH INC., DR. LANDIS BARNES CORRECTION  
OFFICER WILLIAM SIMMONS SHIELD NO. 18534,  
CORRECTION OFFICER LUIS GARCIA SHIELD NO.  
18776, CAPTAIN WALKER SHIELD NO. 1023,

Defendants.  
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**PLEASE TAKE NOTICE** that upon the annexed declaration of Howard Eison, dated September 1, 2015; the exhibits attached thereto; the annexed Statement of Undisputed Facts pursuant to Local Civil Rule 56.1; the annexed Memorandum of Law, dated September 1, 2015, and upon all of the pleadings and proceedings heretofore had herein, defendants, by their attorney, the Corporation Counsel of the City of New York, ZACHARY W. CARTER, will move this Court before the Honorable Lewis A. Kaplan, United States District Court Judge at the United States Courthouse located at 500 Pearl Street, New York, New York for an Order, pursuant to Federal Rules of Civil Procedure Rule 56 and Rule 8(a)(2) and 12(b)(6), granting defendants judgment dismissing the Amended Complaint and action in its entirety, and for such other and further relief as to this Court deems just and proper;

**PLEASE TAKE FURTHER NOTICE** that pursuant to the order of the Honorable United States Magistrate Judge Andrew J. Peck, dated July 28, 2015, plaintiff's opposition

Memorandum Endorsement

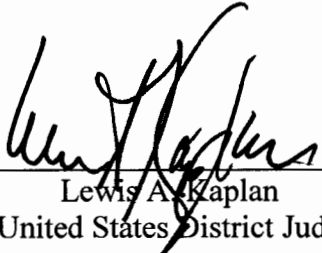
Richardson v. City of New York, 15-cv-0543 (LAK)

Defendants move for summary judgment dismissing the amended complaint. In a thorough report and recommendation dated November 18, 2015 (the R&R”), Magistrate Judge Andrew J. Peck recommended that the motion be granted in all respects except denied as to plaintiff’s (1) Section 1983 claim deliberate indifference and his malpractice claims against defendants Barnes and Corizon, and (2) negligence claims as to Officers Garcia and Simmons. Defendants object to the R&R to the extent it recommended denial of portions of their motion.

I have considered defendants’ objections and concluded that they lack merit. According, defendants’ motion for summary judgment dismissing the amended complaint [DI 45] is granted in all respects except denied as to plaintiff’s (1) Section 1983 claim deliberate indifference and his malpractice claims against defendants Barnes and Corizon, and (2) negligence claims as to Officers Garcia and Simmons. The parties shall file a joint pretrial order in the form prescribed by my individual practices on or before May 23, 2016. The Court will hold a final pretrial conference on June 22, 2016 at 4:30 pm.

SO ORDERED.

Dated: April 22, 2016

  
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Lewis A. Kaplan  
United States District Judge